

EXHIBIT D

September 9, 2021
Deposition of Aaron Chew

Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE 106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
6:4-8	None	None	None	
6:19-21	None	None	None	
12:16-14:3	I, R	None	14:4-15:6	R
15:7-10	R	None	None	
16:7-17:18	R	None	None	
38:20 – 39:14	R, P, H	39:15-40:12	39:15-40:12	R
42:12-19 42:24–43:23	R, H, K, 407	42:20-23	None	Does not comply with FRE 106; R The primary purpose of FRE 106, commonly known as the rule of completeness, is to counter the misleading impression created by taking testimony out of context. It does not mean any sentence omitted from a segment of testimony must be included. Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the designation. Defendants' proposed addition deals with a question posed to which the witness' response was to ask for a more specific question. No information is conveyed in the exchange.
45:21-23	R	None	47:15-48:17	R This is not a counter-designation. It does not respond to the designated testimony, bears no relation to the designated testimony and opens an entirely new area of examination.
71:4-16 72:8-73:22	R, K	71:4-20	None	R 71:17-20 are the 3 lines not included in Plaintiff's designation. They encompass 1 question and response dealing with the witness' lack of recollection re an exhibit. The testimony bears not at all on a fact of consequence and is not relevant.

Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE 106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
80:1-83:1	R, P, H, K	None	None	
83:10-84:12	R, P, H	84:13-17	84:13-86:7	84:18-86:7 is not a counter-designation. It does not respond to the designated testimony, bears no relation to the designated testimony and opens an entirely new area of examination
86:11-88:8	R	None	None	
90:18 – 91:6	R	91:7-22	91:7-22	R
99:7-101:10	R, H	None	None	
105:15-108:4	R, F, K	108:5-7	None	None
126:1-6 126:12 – 18 126:22 -127:8	R, F, K	126:19-21	126:19-21	Does not comply with FRE 106; R The primary purpose of FRE 106, commonly known as the rule of completeness, is to counter the misleading impression created by taking matters out of context. It does not mean any sentence omitted from a segment of testimony must be included. Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the designation. Defendants' counter designation has absolutely no value in tending to show a fact of consequence is more or less probable, making it not relevant.
127:19-23 128:4 – 12 128:17- 130:7	R, H	128:13-16	None	None
130:10-14 130:20 –133:1	R, F, K,	None	None	
138:14-139:21	R, F, K, I	None	None	
144:6-11		None	None	
144:18 – 145:4	R, F, K, H, P	None	None	
159:2 – 161:9	R, F, K, H, P	None	None	

September 17, 2021
Deposition of Daniel Dees

Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE 106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
6:1-5	None	None	None	
6:13-15	None	None	None	
7:21-8:2	None	None	None	
8:6-12	None	None	None	
8:19-10:13	None	None	None	
10:20-24	None	None	None	
12:4-10;	None	None	None	
17:23-18:7	I, R	17:19-22	17:19-22	
19:20-20:21	R	None	None	
23:13-21	I, R	23:22-24:2	23:22-24:2	
24:7-10	R	None	None	
25:13-26:24 27:11-17	I	26:25-27:10	26:25-27:10	
29:21-30:14	None	None	None	
30:24-31:7	I, F, R	31:8-14	31:8-14	
31:22-25	None	None	None	
32:9-17	R, H	None	None	
32:22-33:14	I, R, H, F	33:15-17	33:15-17	R; Calls for speculation
34:2-16	I	33:18-34:1	33:18-34:1	R
38:16-39:5	R	None	None	
39:16-21	I, R	39:22-40:8	39:22-40:8	
40:5-41:14	I	42:14-43:6	42:14-43:6	R, Non-Responsive @ 43:3-6 Plaintiff's designation is complete as to the subject matter of capital sources it addresses. Defendants' proposed additional testimony and counter-designation is unrelated and enters an entirely different subject matter arena re the definition of "funding secured." As a result, Defendants' counter-designation is not relevant as the issue of "funding secured" has been decided by the Court's SJ Order. Additionally, an objection of non responsive is lodged for 43:3-6. Mr. Dees was asked what his

Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE 106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
				understanding is and he provided a response to a different question.
112:13-117:20	R, F, K, H	None	None	
118:11-120:1	I, R, F, K, H	120:2-5	120:2-5	Does not comply with FRE 106; R The primary purpose of FRE 106, commonly known as the rule of completeness, is to counter the misleading impression created by taking matters out of context. It does not mean any sentence omitted from a segment of testimony must be included. Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the designation. Defendants' proposed addition does not make the designation any clearer and its lack of relevance argues for its exclusion.
120:6-15 120:25-121:18	I, R, F, K, H	120:16-23	120:16-23	Does not comply with FRE 106; R As noted above, FRE 106 is meant to ensure designations are a fair and non-misleading representation of the testimony. It does not mean any sentence omitted must be included. Plaintiff's designation is complete as noted; there is nothing misleading or unfair about it. In addition, the counter is irrelevant as there is absolutely no information conveyed; the witness states he "doesn't know" in response to both questions included in the counter. The lack of relevance of these 2 questions and responses along with their failure to provide any measure of 'missing' fairness or correct any misleading nature of the

Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE 106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
				designation argues for exclusion of the proposed counter designation.
122:9-124:5	F, K	None	None	
127:5-127:25	None	None	None	
128:1-128:8	R, F, K, H	None	None	
128:9-129:14	I, R, F, K, H	129:15-18	129:15-18	
129:24-130:13	I, R, F, K, H	129:19-23	129:19-23	
134:14-135:11	R, F, K, H	None	None	
137:8-25	R, H	None	None	
139:18-141:10	I, R, H	141:11-22	141:11-22	R 141:11-12 is the only omitted material between this and the next Plaintiff's designation. It is the 2 line, 10 word stricken start of a question. It has absolutely no value in showing a fact of consequence is more or less probable. Further, FRE 106 has no applicability, as there is no incompleteness here.
141:13-142:16	@142:17, Form; after response R, F, K	None	None	
144:1-146:21	@144:22, Form R, F, K, H	None	None	
148:7-149:6	R, F, K, H	None	None	
150:11-155:14	R, F, K, H	None	None	
157:9-158:10	R, F, K, H	None	None	
163:18-25	None	None	None	
164:10-165:16	R, F, K, H	None	None	
165:25-167:22	R, K, F	None	None	
169:5-172:16	R, K, F,	None	None	
172:21-174:14	R, F, K	None	None	

July 12, 2021
Deposition of Joseph Fath

Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE 106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
6:11-14	None	None	None	
6:22-8:6	R	None	None	
9:18-24	R	None	None	
10:19-11:10	I, R, K, F	11:11-12:9	11:11-12:9	R, K, F; Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the designation.
12:10-13	R, K, F	None	None	
17:17-19; 17:23-21:25	R, K, F, H, P	None	None	
22:6-10; 22:14-23:18	R, H, P	None	None	
25:12-14; 25:18-30:22	I, R, F, H, K, P, L	28:17, 30:23-31:20	87:3-6, 88:16-89:18, 93:13-94:17, 105:2-110:14, 111:6-112:9, 116:15-117:24, 119:20-121:14	R, K, F, P; Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the designation.
32:9-33:8	R, K, F, H, P, L	None	87:3-6, 88:16-89:18, 93:13-94:17, 105:2-110:14, 111:6-112:9, 116:15-117:24, 119:20-121:14	R, K, F, P; Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the designation.
35:3-9	R	None	None	
36:23-37:12	R, K, F, H	None	None	
38:5-39:3	I, R, K, F, H	39:6-12	87:3-6, 88:16-89:18, 93:13-94:17, 105:2-110:14, 111:6-112:9, 116:15-117:24, 119:20-121:14	R, K, F, P; Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the designation.
39:13-42:1	R, K, F, H, P	None	None	
42:9-42:11 42:21-23	None	None	None	
43:1-44:18	R, K, F, H, P, L	None	87:3-6, 88:16-89:18, 93:13-94:17, 105:2-110:14, 111:6-112:9, 116:15-117:24, 119:20-121:14	R, K, F, P; Plaintiff's designation is complete as noted; there is nothing misleading or unfair

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Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE 106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
				about the designation.
44:25-46:8	R, K, F, P, L	None	87:3-6, 88:16-89:18, 93:13-94:17, 105:2-110:14, 111:6-112:9, 116:15-117:24, 119:20-121:14	R, K, F, P; Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the designation.
46:18-47:3	I, R, H	47:18-48:9	47:18-48:9	None
48:13-50:16	I, R, H, P	47:18-48:9	47:18-48:9	None
54:23-56:15	R, K, F, H, P	None	None	
56:23-57:15	R, H	57:16-25	57:16-25	R, K, H
58:1-5	I, R, K, F, H, P	58:6-59:12	58:6-59:12	K
60:1-6	I, R, F	None	None	
62:8-63:15	R, K, F, H, P	None	112:10-115:23	
73:13-74:3	R, K, F, H, P	None	87:3-6, 88:16-89:18, 93:13-94:17, 105:2-110:14, 111:6-112:9, 116:15-117:24, 119:20-121:14	R, K, F, P; Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the designation.
60:11-61:25	R, K, F, H, P	None	112:10-115:23	R, K, H, P; Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the designation.
62:8-63:6	R, K, F, H, P	None	112:10-115:23	R, K, H, P; Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the designation.
63:16-64:5 64:11-65:1	R, K, F, H	None	112:10-115:23	R, K, H, P; Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the

PLAINTIFFS' DEPOSITION DESIGNATIONS

3:18-cv-04865-EMC

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Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE 106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
				designation.
66:21-67:6	R, K, F, H	None	None	
67:12-71:18	I, R, K, F, H, P, L	71:19-73:7	71:19-73:7, 112:10-115:23	R, F, K; Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the designation.
73:13-74:3	R, K, F, H	None	None	
75:3-20	R, H	None	None	
76:11-78:15	R, K, F, H, P, L	None	87:3-6, 88:16-89:18, 93:13-94:17, 105:2-110:14, 111:6-112:9, 116:15-117:24, 119:20-121:14	R, K, F, P; Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the designation.
78:23-79:9	R, H	None	None	
82:6-83:17	I, R, K, F, H, P, L	83:18-84:11	83:18-84:11, 87:3-6, 88:16-89:18, 93:13-94:17, 105:2-110:14, 111:6-112:9, 116:15-117:24, 119:20-121:14	R, K, F, P; Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the designation.
91:8-92:5	R, K, F, H, P	None	87:3-6, 88:16-89:18, 93:13-94:17, 105:2-110:14, 111:6-112:9, 116:15-117:24, 119:20-121:14	R, K, F, P; Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the designation.
92:23-93:10	R, K, F, H, P	None	87:3-6, 88:16-89:18, 93:13-94:17, 105:2-110:14, 111:6-112:9, 116:15-117:24, 119:20-121:14	R, K, F, P; Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the designation.
94:18-95:8	R, K, F, P	None	None	
98:9-99:3	I, R, K, F, P	102:19-104:21	102:19-104:21	R, P
99:9-100:19	I, R, K, F, P	102:19-104:21	102:19-104:21	R, P
101:22-102:18	R, P	None	None	
105:10-18	I, R, K, F, P, L	105:5-106:2	87:3-6, 88:16-89:18, 93:13-94:17, 105:2-110:14, 111:6-112:9, 116:15-117:24, 119:20-	R, K, F, P; Plaintiff's designation is complete as noted; there is nothing misleading or

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Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE 106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
			121:14	unfair about the designation.
109:20-110:9	I, R, K, F, P	110:10-14	87:3-6, 88:16-89:18, 93:13-94:17, 105:2-110:14, 111:6-112:9, 116:15-117:24, 119:20-121:14	R, K, F, P; Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the designation.

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Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
8:3-5	None	None	None	
8:13-15	None	None	None	
11:10-13:8;	R	None	None	
13:12-15:5	R	None	None	
16:13-18	I, R	16:19-21	134:15-138:8, 142:1-143:7	R. Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the designation. Mr. Koney was asked if he followed Tesla and if Jennison Associates invested in Tesla. Defendants' counter does not make the designation any clearer and its lack of relevance—Jennison's post class period positions in Tesla and the effect of reports of the PIF's investment in Tesla—argues for exclusion
17:17-18:4	R, F, K	None	None	
18:22-19:8	R	None	None	
19:11-16	R	None	None	
20:11-21:10	I, R, F, K	21:11-15	21:11-15	R, Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the designation. Mr. Koney is testifying about his experience covering Tesla. Defendants' counter

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Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
				designations do not make the designation any clearer and their lack of relevance argues for its exclusion.
21:16-19	R, P	None	None	
26:16-27:7	R, H	None	None	
28:18-29:23	@ 29:15, Form I, R, H, P	27:22-28:10, 30:12-31:1	27:22-28:10, 30:12-31:1	R. Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the designation. 27:22-28:10 offers unnecessary background on the exhibit, which is not required clarify the testimony. 30:12-31:1 is unrelated and enters an entirely different subject matter arena regarding demand for Tesla's Model 3 and is not relevant to either his response to Musk's tweet or push back from Tesla's investor relations. Defendants' counter designations do not make the designation any clearer and their lack of relevance argues for its exclusion.
32:12-21	I, R, F, K, H, P	33:4-16	33:4-16	
37:23-38:4	I, R, K	38:5-8	38:5-8	
43:1-3; 43:9-11; 43:19-44:19	R, F, K, H, P	None	21:20-22:6, 56:15-57:1, 62:6-22	R. Defendant s' counters are unrelated

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Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
				and enter an entirely different subject matter arena, whether funding secured was a verbal commitment or an offer letter. They are not relevant to Mr. Koney's email, which is a contemporaneous reaction to Mr. Musk's tweets/blog post. Defendants' counter designations do not make the designation any clearer and their lack of relevance argues for its exclusion.
45:1-17	R, F, K, H, P	None	21:20-22:6, 56:15-57:1, 62:6-22	R, Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the designation.

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Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
				With respect to relevancy, as noted above, testimony regarding whether funding secured was a verbal commitment or an offer letter is not relevant to Mr. Koney's contemporaneous reaction to Mr. Musk's tweets/blog post. Defendants' counter designations do not make the designation any clearer and their lack of relevance argues for its exclusion.
46:20-47:6 48:16-49:15	R, F, K, H, P	None	None	
53:18-22	R	None	None	
54:7-9; 54:24-56:13	@ 56:5-6, Form I, R, F, K, H, P	54:10-23, 56:15-57:13	54:10-23, 56:15-57:13	R. Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the designation. As noted above, 54:10-23 is irrelevant background information on the referenced exhibit. Defendants' counter designation 56:15-57:13 is testimony regarding whether funding secured was a verbal commitment or an offer letter and whether there was funding to take Tesla private, which are not relevant to Mr. Koney's email with Tesla's investor relations regarding

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Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
				Mr. Musk's blog post. Defendants' counter designations do not make the designation any clearer and their lack of relevance argues for its exclusion.
57:14-59:25	@ 59:15-16, Form @ 59:23, Form R, F, K, H, P	None	None	
60:4-21	R, F, K, H, P	None	None	
61:9-22	R, P	None	None	
61:9-62:12	I, R, H	21:20-22:6, 56:15-57:1, 62:6-22	21:20-22:6, 56:15-57:1, 62:6-22	R. Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the designation. Again, Defendants have counter designated irrelevant testimony regarding the difference between a verbal commitment or an offer letter, which has no relevance to Mr. Koney's email with Tesla's investor relations requesting additional information about Musk's tweets. Defendants' counter designations do not make the designation any clearer and their lack of relevance argues for its exclusion.
63:16-64:9	I, R, F, K, H, P	64:10-21	64:10-21	R. Plaintiff's designation is complete as to Mr. Koney's respond to

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				Mr. Musk's tweets. Defendants' counter-designation is unrelated to Mr. Koney's statement in an email-- "Elon Musk will not risk going to jail over this" -- and enters an entirely different subject matter arena re: the timing of the PIF news. Defendants' counter designation does not make the designation any clearer and its lack of relevance argues for its exclusion.
65:6-22	R, H	None	None	
66:2-16	@ 66:17, Form I, R, F, K, H, P	67:3-9	34:17-38:8, 41:24-42:19	R. Plaintiff's designation is complete as to Mr. Koney's contemporaneous email response to Mr. Musk's tweets that "[Mr. Musk] wouldn't risk being hauled off to jail..." and Mr. Musk and Tesla's investor relations being to source of his understanding of the funding required to take Tesla private. Defendants' counter designations regarding when Mr. Koney first read the tweets and blog posts are irrelevant this testimony references. Defendants' counter designations do not make the designation any clearer and their

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Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
				lack of relevance argues for its exclusion.
67:10-14 67:18-68:11	R, F, K, H, P	None	None	
70:10-23; 70:25-71:11	@ 70:19, Form I, R, F, K, H	71:12-18	71:12-18, 21:20-22:6, 56:15-57:1, 62:6-22	R. Plaintiff's designation is complete as to Mr. Koney's testimony about his communications with a colleague about Elon Musk's statement; there is nothing misleading or unfair about the designation. Defendants' counter designations do not respond to the designated testimony, bear no relation to the designated testimony and open entirely new areas of examination re: Musk's credibility (71:12-18) and a verbal offer versus a written commitment (21:20-22:6, 56:15-57:1, 62:6-22). Defendants' counter designations do not make the designation any clearer and their lack of relevance argues for its exclusion.
71:20-72:9	I, R, H	72:10-24	72:10-24, 21:20-22:6, 56:15-57:1, 62:6-22	R. Plaintiff's designation is complete as to Mr. Koney's testimony: it was important to him that the CEO of Tesla said that funding was secured publicly; and

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				Tesla's investor relations told him that "the offer was as firm as it gets." There is nothing misleading or unfair about the designation. This is not a counter-designation. It does not respond to the designated testimony, bears no relation to the designated testimony and opens an entirely new area of examination (72:10-24 speculation about "funding secured"; 21:20-22:6, 56:15-57:1, 62:6-22: the difference between whether funding secured was a verbal commitment or an offer letter). Defendants' counter designations do not make the designation any clearer and their lack of relevance argues for its exclusion.
74:16-76:5	I, R, F, K, H	76:9-77:14	76:9-77:14, 146:11-25, 147:24-148:14, 161:25-165:2, 21:20-22:6, 56:15-57:1, 62:6-22	R. Form @ 148:5, 151:5, 11; 164:10, 25. Plaintiff's designation is complete as to Mr. Koney's testimony that at the time he wrote his colleagues that he did not believe Musk was lying about funding being secured but that discussions on going private were in an early stage; there is nothing

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				misleading or unfair about the designation. 76:9-77:14 does not address the designation but provides unrelated testimony about Musk's lack of financial focus and whether there was verbal agreement. The latter is of no probative value as it was addressed by the summary judgment motion and Mr. Koney testifies: "it's an assumption on an assumption..." 21:20-22:6, 56:15-57:1, and 62:6-22 do not address the designated testimony about the stage of the transaction. 46:11-25, 147:24-148:14, and 161:25-165:2 generally address the subject exhibit and to the extent that they bear any relationship to the designated testimony, they have absolutely no value in tending to show a fact of consequence is more or less probable, making them irrelevant.
78:5-79:6	R, F, K, H	None	146:11-25, 147:24-148:14, 161:25-165:2	R. Form @ 148:5, 151:5, 11; 164:10, 25. This is not a counter designation. 46:11-25, 147:24-148:14, and 161:25-165:2 generally address the subject exhibit and do not respond to the

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Deposition of Nii Owuraka Koney

Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
				designated testimony about the lack of formal offer. Defendants' counter designations do not make the designation any clearer and their lack of relevance argues for its exclusion.
79:24-81:22	@ 81:11, Form R, F, K, H, P	None	146:11-25, 147:24-148:14, 161:25-165:2, 21:20-22:6, 56:15-57:1, 62:6-22	R. Form @ 148:5, 151:5, 11; 164:10, 25. This is not a counter designation. 21:20-22:6, 56:15-57:1, and 62:6-22 concern differences between a verbal and written commitment for funding and do not respond to the designated testimony. 146:11-25, 147:24-148:14, and 161:25-165:2 generally address the subject exhibit and do not respond to the designated testimony about the lack of documentation and information about the source of funding and why that was important. Defendants' counter designations do not make the designation any clearer and their lack of relevance argues for its exclusion.
82:20-83:10	I, R, F, K, H, P	82:7-19, 83:11-84:3	82:7-19, 83:11-84:3, 146:11-25, 147:24-148:14, 150:21-152:12, 161:25-165:2	R. Form @ 148:5, 151:5, 11; 164:10, 25. Plaintiff's designation was complete as to Mr. Koney's

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Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
				testimony, at the time he wrote to colleagues that "Elon likely jumped the gun" and explained that this meant Tesla was early in the process of going private; there is nothing misleading or unfair about the designation. This is not a counter-designation. It does not respond to the designated testimony, bears no relation to the designated testimony and opens an entirely new area of examination.
84:15-85:17	I, R, F, K, H	84:5-14, 85:18-24	84:5-14, 85:18-24, 161:25-165:2	R. Form @ 164:10, 25. Plaintiff's designation is complete as to Mr. Koney's testimony that at the time he wrote to colleagues that it was his opinion at the time that Tesla will have to disclose more information about the proposed transaction; there is nothing misleading or unfair about the designation. Defendants' counter designations do not make the designation any clearer and their lack of relevance to Mr. Koney's opinion about Tesla's need to disclose more information, argue for

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Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
				their exclusion.
88:1-8; 88:13-89:7	I, R, F, K, H	89:7-9	89:7-9	R. I. Plaintiff's designation is complete as to Mr. Koney's testimony re: his emails with Mr. Teller and communications concerning Tesla going private; there is nothing misleading or unfair about the designation. Defendants' counter does not make the designation any clearer as it simply confirms that Musk is Tesla's CEO and 89:9 only contains a question without a response.
95:2-10; 95:15-20	R, H	None	None	
98:4-99:9	R, H	None	152:14-154:7	R. Defendants have not provided a counter-designation. This testimony does not respond to the designated testimony.
99:17-20	R, F, K	None	None	
100:5-101:6	I, R, H	101:7-14	101:7-14, 152:14-154:7	R. Plaintiff's designation is complete as to Mr. Koney's notes from his conversation with Mr. Musk; there is nothing misleading or unfair about the designation. Defendants have not provided a counter-designation. This testimony does not respond to the designated testimony.

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Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
101:24-104:5	I, R, H, P	101:18-23, 104:6-18	101:18-23, 104:6-18, 145:9-146:2, 152:14-154:7	R. Plaintiff's designation is complete as to Mr. Koney's recollection of his call with Mr. Musk; there is nothing misleading or unfair about the designation. 145:9-146:2 has no relation to Mr. Koney's call with Mr. Musk t.
104:19-105:24	R, H	None	21:20-22:6, 56:15-57:1, 62:6-22	R. This is not a counter-designation. It does not respond to the designated testimony and bears no relation to the designated testimony.
107:18-108:24	R, H	None	None	
110:1-110:5	R	None	None	
112:2-114:9	R, F, K, H	None	None	
114:16-115:2	I, R, F, K, H	116:1-15	116:1-15, 154:13-158:6, 158:24-161:5	R. Form @ 155:2, 157:1, and 159:4. Plaintiff's designation is complete as to Mr. Koney's testimony re: Ex. 68, an email he sent to Jennison portfolio managers shortly Mr. Musk's 8/13/18 blog post. There is nothing misleading or unfair about the designation. Defendants' counter does not make the designation any clearer. It attempts to confuse earlier testimony regarding the plain language of Exhibit 68 and therefore argues for exclusion.

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Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
117:7-16	R, H	None	154:13-158:6, 158:24-161:5	R. I. Form @ 155:2, 157:1, and 159:4. Plaintiff's designation is complete as noted above and that the 8/13/18 blog post did not change his view on the "\$420 offer." Defendants' counter does not make the designation any clearer. It attempts to confuse earlier testimony regarding the plain language of Exhibit 68 and therefore argues for exclusion.
119:14-120:9	R, F, K, H, P	None	None	
127:1-24	R, F, K, H, P	None	145:9-146:2	R. This is not a counter-designation. It does not respond to the designated testimony and bears little relation to the designated testimony. Defendants' counter—general testimony about short sellers and Tesla—does not make the designation about Jennison's reaction to the proposed private transaction and what Mr. Koney was prepared to tell a Tesla board member any clearer.
155:22-156:18	None	None	None	
157:6-159:22	I, R, K	159:23-160:25	159:23-160:25	R. Plaintiff's designation is complete as to Mr. Koney's contemporaneous email regarding his

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Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
				views on Tesla being able to go private after Musk's 8/13/18 blog post; there is nothing misleading or unfair about the designation. Defendants' counter—additional testimony regarding the blog post and additional steps needed to take Tesla private— does not make the designation any clearer and its lack of relevance to Mr. Koney's testimony about the ability for Tesla to go private argue for exclusion.

May 4, 2021
Deposition of Ryan Brinkman

Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE 106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
6:1-5	None	None	None	
6:13-15	None	None	None	
13:7-16:6;	13:7-16:6;	R	None	
22:2-25:4	22:2-25:4	R	None	
41:21-45:21	R, K, F, P, L	None	116:2-118:8, 125:10-132:16	<p>R; Facts not in evidence; Calls for speculation</p> <p>These are not counter-designations. They do not respond to the designated testimony, bear no relation to the designated testimony and open an entirely new areas of examination.</p> <p>In addition, 125:10-132:16 particularly delves into questions concerning the lawsuit allegations and testimony re elements already decided by the Court's SJ Order. The testimony does not tend to make a fact of consequence more or less probable, so is not relevant under FRE 401 and is inadmissible under FRE 402.</p> <p>This segment is also objectionable as assuming facts not in evidence @ 128:21 and 129:15. It also calls for speculation.</p>
47:8-9 47:15-49:3	R, K, F, P, L	49:6-23	49:6-23, 116:2-118:8, 125:10-132:16	<p>R; Facts not in evidence; Calls for speculation</p> <p>116:2-118:8 & 125:10-132:16 are not counter-designations. They do not respond to the designated testimony, bear no</p>

Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE 106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
				<p>relation to the designated testimony and open an entirely new areas of examination.</p> <p>In addition, 125:10-132:16 particularly delves into questions concerning the lawsuit allegations and testimony re elements already decided by the Court's SJ Order. The testimony does not tend to make a fact of consequence more or less probable, so is not relevant under FRE 401 and is inadmissible under FRE 402.</p> <p>This segment is also objectionable as assuming facts not in evidence @ 128:21 and 129:15. It also calls for speculation.</p>
50:3-4; 50:9-52:6	R, K, F, P, L	None	116:2-118:8, 125:10-132:16	<p>R; Facts not in evidence; Calls for speculation</p> <p>These are not counter-designations. They do not respond to the designated testimony, bear no relation to the designated testimony and open an entirely new areas of examination.</p> <p>In addition, 125:10-132:16 particularly delves into questions concerning the lawsuit allegations and testimony re elements already decided by the Court's SJ Order. The testimony does not tend to make a fact of consequence more or less probable, so is not relevant under FRE 401</p>

1 2 3	Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE 106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
4 5 6 7					and is inadmissible under FRE 402. This segment is also objectionable as assuming facts not in evidence @ 128:21 and 129:15. It also calls for speculation
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	53:6- 57:23	R, K, F, P, L	58:22-60:16	58:22-60:16, 116:2-118:8, 125:10-132:16	R; Does not comply with FRE 106; Facts not in evidence; Calls for speculation The primary purpose of FRE 106, commonly known as the rule of completeness, is to counter the misleading impression created by taking testimony out of context. Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the designation. The proposed addition of 58:22-60:16 does not make the designation any clearer or more 'complete.' 116:2-118:8, 125:10-132:16 are not counter-designations. They do not respond to the designated testimony, bear no relation to the designated testimony and open an entirely new areas of examination. In addition, 125:10-132:16 particularly delves into questions concerning the lawsuit allegations and testimony re elements already decided by the Court's SJ Order. The testimony does not tend

Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE 106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
				to make a fact of consequence more or less probable, so is not relevant under FRE 401 and is inadmissible under FRE 402. This segment is also objectionable as assuming facts not in evidence @ 128:21 and 129:15. It also calls for speculation.
61:2-63:11	R, K, F, P, L	None	116:2-118:8, 125:10-132:16	R; Facts not in evidence; Calls for speculation These are not counter-designations. They do not respond to the designated testimony, bear no relation to the designated testimony and open an entirely new areas of examination. In addition, 125:10-132:16 particularly delves into questions concerning the lawsuit allegations and testimony re elements already decided by the Court's SJ Order. The testimony does not tend to make a fact of consequence more or less probable, so is not relevant under FRE 401 and is inadmissible under FRE 402. This segment is also objectionable as assuming facts not in evidence @ 128:21 and 129:15. It also calls for speculation.
63:13-64:2	R, K, F, P, L	None	116:2-118:8, 125:10-132:16	R; Facts not in evidence; Calls for speculation

1 2 3	Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE 106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18					<p>These are not counter-designations. They do not respond to the designated testimony, bear no relation to the designated testimony and open an entirely new areas of examination.</p> <p>In addition, 125:10-132:16 particularly delves into questions concerning the lawsuit allegations and testimony re elements already decided by the Court's SJ Order. The testimony does not tend to make a fact of consequence more or less probable, so is not relevant under FRE 401 and is inadmissible under FRE 402.</p> <p>This segment is also objectionable as assuming facts not in evidence @ 128:21 and 129:15. It also calls for speculation</p>
19 20 21 22 23 24 25 26 27 28	64:6-66:15	R, K, F, P, L	None	116:2-118:8, 125:10-132:16	<p>R; Facts not in evidence; Calls for speculation</p> <p>These are not counter-designations. They do not respond to the designated testimony, bear no relation to the designated testimony and open an entirely new areas of examination.</p> <p>In addition, 125:10-132:16 particularly delves into questions concerning the lawsuit allegations and testimony re elements already decided by the Court's SJ Order. The</p>

Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE 106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
				testimony does not tend to make a fact of consequence more or less probable, so is not relevant under FRE 401 and is inadmissible under FRE 402. This segment is also objectionable as assuming facts not in evidence @ 128:21 and 129:15. It also calls for speculation
69:12-71:13	R, H	None	116:2-118:8, 125:10-132:16	R; Facts not in evidence; Calls for speculation These are not counter-designations. They do not respond to the designated testimony, bear no relation to the designated testimony and open an entirely new areas of examination. In addition, 125:10-132:16 particularly delves into questions concerning the lawsuit allegations and testimony re elements already decided by the Court's SJ Order. The testimony does not tend to make a fact of consequence more or less probable, so is not relevant under FRE 401 and is inadmissible under FRE 402. This segment is also objectionable as assuming facts not in evidence @ 128:21 and 129:15. It also calls for speculation
72:18-19 72:24-75:24	R, K, F, P, L	75:25-76:11	75:25-76:11, 116:2-118:8, 125:10-132:16	R; Facts not in evidence; Calls for speculation 116:2-118:8 & 125:10-

Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE 106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
				<p>132:16 are not counter-designations. They do not respond to the designated testimony, bear no relation to the designated testimony and open an entirely new areas of examination.</p> <p>In addition, 125:10-132:16 particularly delves into questions concerning the lawsuit allegations and testimony re elements already decided by the Court's SJ Order. The testimony does not tend to make a fact of consequence more or less probable, so is not relevant under FRE 401 and is inadmissible under FRE 402.</p> <p>This segment is also objectionable as assuming facts not in evidence @ 128:21 and 129:15. It also calls for speculation</p>
77:19-78:8	R, K, F, P, L	None	116:2-118:8, 125:10-132:16	<p>R; Facts not in evidence; Calls for speculation</p> <p>These are not counter-designations. They do not respond to the designated testimony, bear no relation to the designated testimony and open an entirely new areas of examination.</p> <p>In addition, 125:10-132:16 particularly delves into questions concerning the lawsuit allegations and testimony re elements already decided by the Court's SJ Order. The</p>

Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE 106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
				<p>testimony does not tend to make a fact of consequence more or less probable, so is not relevant under FRE 401 and is inadmissible under FRE 402.</p> <p>This segment is also objectionable as assuming facts not in evidence @ 128:21 and 129:15. It also calls for speculation.</p>
78:19- 84:2	R, K, F, P, L	None	116:2-118:8, 125:10-132:16	<p>R; Facts not in evidence; Calls for speculation</p> <p>These are not counter-designations. They do not respond to the designated testimony, bear no relation to the designated testimony and open an entirely new areas of examination.</p> <p>In addition, 125:10-132:16 particularly delves into questions concerning the lawsuit allegations and testimony re elements already decided by the Court's SJ Order. The testimony does not tend to make a fact of consequence more or less probable, so is not relevant under FRE 401 and is inadmissible under FRE 402.</p> <p>This segment is also objectionable as assuming facts not in evidence @ 128:21 and 129:15. It also calls for speculation.</p>
85:6-85:14	R, K, F, H	85:15-86:8	None	Does not comply with

Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE 106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
86:9-11 86:19-88:5				<p>FRE 106; R</p> <p>The primary purpose of FRE 106, commonly known as the rule of completeness, is to counter the misleading impression created by taking testimony out of context. Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the designation. Defendants' proposed addition does nothing to make Plaintiff's designation more 'complete.'</p> <p>In addition, the proposed addition provides no information whatsoever that tends to make a fact of consequence more or less probable. As such, the proposed addition is not relevant under FRE 401 and is inadmissible per FRE 402.</p>
88:10-88:17 90:6-92:4	R, K, F	88:18-89:8	89:19-90:5	
92:8-94:10	R, K, F, H, P	None	None	
94:13-95:3	R, K, F, H, P, L	95:4	116:2-118:8, 125:10-132:16	<p>Does not comply with FRE 106; R; Facts not in evidence; Calls for speculation</p> <p>Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the designation. Defendants' proposed addition of a single word @ 95:4 does nothing to make Plaintiff's designation more 'complete' or less 'misleading.'</p>

Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE 106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
				<p>116:2-118:8 & 125:10-132:16 are not counter-designations. They do not respond to the designated testimony, bear no relation to the designated testimony and open an entirely new areas of examination.</p> <p>In addition, 125:10-132:16 particularly delves into questions concerning the lawsuit allegations and testimony re elements already decided by the Court's SJ Order. The testimony does not tend to make a fact of consequence more or less probable, so is not relevant under FRE 401 and is inadmissible under FRE 402.</p> <p>This segment is also objectionable as assuming facts not in evidence @ 128:21 and 129:15. It also calls for speculation.</p>
95:13-95:20	R, K, F, H, P	None	116:2-118:8, 125:10-132:16	<p>R; Facts not in evidence; Calls for speculation</p> <p>These are not counter-designations. They do not respond to the designated testimony, bear no relation to the designated testimony and open an entirely new areas of examination.</p> <p>In addition, 125:10-132:16 particularly delves into questions concerning the lawsuit allegations and testimony re elements already decided by the</p>

Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE 106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
				<p>Court's SJ Order. The testimony does not tend to make a fact of consequence more or less probable, so is not relevant under FRE 401 and is inadmissible under FRE 402.</p> <p>This segment is also objectionable as assuming facts not in evidence @ 128:21 and 129:15. It also calls for speculation.</p>
96:5-96:23	@96:2-3-Form; R, K, F, H, P	None	116:2-118:8, 125:10-132:16	<p>R; Facts not in evidence; Calls for speculation</p> <p>These are not counter-designations. They do not respond to the designated testimony, bear no relation to the designated testimony and open an entirely new areas of examination.</p> <p>In addition, 125:10-132:16 particularly delves into questions concerning the lawsuit allegations and testimony re elements already decided by the Court's SJ Order. The testimony does not tend to make a fact of consequence more or less probable, so is not relevant under FRE 401 and is inadmissible under FRE 402.</p> <p>This segment is also objectionable as assuming facts not in evidence @ 128:21 and 129:15. It also calls for speculation.</p>
98:7-10 98:14-25	R, H	None	None	

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE 106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
	100:4-102:2	R, K, F, H, P, L	102:3-24	102:3-24, 116:2-118:8, 125:10-132:16	<p>Does not comply with FRE 106; R; Facts not in evidence; Calls for speculation</p> <p>Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the designation. Defendants' proposed addition 102:3-24 does nothing to make Plaintiff's designation more 'complete' or less 'misleading.' In addition, the proposed 102:3-24 provides no testimony tending to make a consequential fact in the case more or less probable. Thus, this segment is not relevant under FRE 401 and inadmissible per FRE 402.</p> <p>116:2-118:8 & 125:10-132:16 are not counter-designations. They do not respond to the designated testimony, bear no relation to the designated testimony and open an entirely new areas of examination.</p> <p>In addition, 125:10-132:16 particularly delves into questions concerning the lawsuit allegations and testimony re elements already decided by the Court's SJ Order. The testimony does not tend to make a fact of consequence more or less probable, so is not relevant under FRE 401 and is inadmissible under FRE 402.</p>

Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE 106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
				This segment is also objectionable as assuming facts not in evidence @ 128:21 and 129:15. It also calls for speculation.
105:8-106:15	105:8-106:15	R, H, P	None	
108:2-109:8	R, K, F, H, P, L	None	116:2-118:8, 125:10-132:16	<p>R; Facts not in evidence; Calls for speculation</p> <p>These are not counter-designations. They do not respond to the designated testimony, bear no relation to the designated testimony and open an entirely new areas of examination.</p> <p>In addition, 125:10-132:16 particularly delves into questions concerning the lawsuit allegations and testimony re elements already decided by the Court's SJ Order. The testimony does not tend to make a fact of consequence more or less probable, so is not relevant under FRE 401 and is inadmissible under FRE 402.</p> <p>This segment is also objectionable as assuming facts not in evidence @ 128:21 and 129:15. It also calls for speculation.</p>
110:14-17 110:22-112:7	R, K, F, H	None	116:2-118:8, 125:10-132:16	<p>R; Facts not in evidence; Calls for speculation</p> <p>These are not counter-designations. They do not respond to the designated testimony, bear no relation to the designated testimony</p>

1 2 3	Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE 106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
4 5 6 7 8 9 10 11 12 13 14 15					<p>and open an entirely new areas of examination.</p> <p>In addition, 125:10-132:16 particularly delves into questions concerning the lawsuit allegations and testimony re elements already decided by the Court's SJ Order. The testimony does not tend to make a fact of consequence more or less probable, so is not relevant under FRE 401 and is inadmissible under FRE 402.</p> <p>This segment is also objectionable as assuming facts not in evidence @ 128:21 and 129:15. It also calls for speculation.</p>
16 17 18 19 20 21 22 23 24 25 26 27 28	112:22-114:6	R, K, F, H, P, L	None	116:2-118:8, 125:10-132:16	<p>R; Facts not in evidence; Calls for speculation</p> <p>These are not counter-designations. They do not respond to the designated testimony, bear no relation to the designated testimony and open an entirely new areas of examination.</p> <p>In addition, 125:10-132:16 particularly delves into questions concerning the lawsuit allegations and testimony re elements already decided by the Court's SJ Order. The testimony does not tend to make a fact of consequence more or less probable, so is not relevant under FRE 401 and is inadmissible</p>

1 2 3	Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE 106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
4 5 6 7					under FRE 402. This segment is also objectionable as assuming facts not in evidence @ 128:21 and 129:15. It also calls for speculation.

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Deposition of Rick Polhemus

Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE 106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
12:9-12	None	None	None	
12:25-14:25	I, R, F, K	15:12-20	15:12-20	Does not comply with FRE 106; R Plaintiff's designation is complete as noted; it is not misleading or unfair in any respect, so not subject to FRE 106. Defendants' proposed additional material provides no information which makes Plaintiff's designation more 'complete.' In addition, the proposed counter is simply verbiage with no bearing on a consequential fact in the case, so is not relevant.
40:1-16	I, F, K	37:20-39:6, 40:17-41:3, 48:13-22	37:20-39:6, 40:17-41:3, 48:13-22	Does not comply with FRE 106 37:20-39:6 in no manner 'completes' Plaintiff's designation under FRE 106 as it deals with an entirely different exhibit and testimony. Further, it is not a counter designation as it does not respond to the designated testimony, bears no relation to the designated testimony and addresses an entirely different area of examination Likewise, 48:13-22 in no manner 'completes' Plaintiff's designation under FRE 106 as it deals with an entirely different exhibit and testimony. Further, it is not a counter designation as it does not respond to the designated testimony, bears no relation to the designated testimony and addresses an entirely different area of examination

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Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE 106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
43:4-46:18	R, F, K	None	None	
50:1-57:12	I, R, F, K, H	None	None	
58:16-18 59:9-20 59:24-61:8	I, F, K, H	59:21-23, 61:9-62:6	59:21-23, 61:9-62:6	Does not comply with FRE 106 59:21-23 The primary purpose of FRE 106, commonly known as the rule of completeness, is to counter the misleading impression created by taking testimony out of context. It does not mean any sentence omitted from a segment of testimony must be included. Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the designation and no additional testimony is required. In addition, the counter is irrelevant as there is absolutely no information conveyed; the witness states he "does not recall" in response to the question posed. Failing to tend to make a fact of consequence more or less probable, the proposed counter is not relevant. R - 61:9-62:6
67:18-71:21	R, F, K, H	None	None	
105:8-11 105:19-23 106:5-15	I, R, F, K, H, P	105:21-106:4, 106:16-109:22	105:21-106:4, 106:16-109:22	R
107:13-109:3	I, R, F, K, H, P	105:21-106:4, 106:16-109:22	105:21-106:4, 106:16-109:22	Does not comply with FRE 106; R Plaintiff's designation is complete as noted; there is nothing misleading or unfair about the designation and no

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September 27, 2021
Deposition of Rick Polhemus

Plaintiff's Designations	Defendants' Objection(s)	Testimony to include for completeness under FRE 106	Defendants' Counter Designation(s)	Plaintiffs' Objections to Testimony Included for Completeness and Counter Designations
				additional testimony is required.
109:25-111:4	I, R, F, K, H, P	105:21-106:4, 106:16-109:22, 111:5-8	105:21-106:4, 106:16-109:22, 111:5-8	Does not comply with FRE 106; R
114:24-117:22	R, F, K, H	None	None	
117:23-118:16	I, R, F, K, H	118:17-121:4	118:17-121:4	Does not comply with FRE 106; R
121:5-122:25	I, R, F, K, H	118:17-121:4	118:17-121:4	Does not comply with FRE 106; R
123:19-125:6	I, F, K, H	125:7-20	125:7-20	Does not comply with FRE 106; R
125:21-126:21	R, F, K, H, P	None	None	

Defendants' Deposition Designations
September 17, 2021 Deposition of Dan Dees

<u>Deponent</u>	<u>Testimony</u>	<u>Plaintiff's Objections</u>	<u>Plaintiff's Counter-Designations</u>	<u>Defendants' Objections to Counter-Designations</u>
Dan Dees	6:13-15		6:1-5 6:13-15	None
Dan Dees	7:21-8:2		7:21-8:2	None
Dan Dees	8:19-9:4		8:6-12	None
Dan Dees	9:12-10:5		8:19-10:13	Relevance
Dan Dees	10:9-24		10:20-24	Relevance
Dan Dees	12:4-10		12:4-10	Relevance
			17:23-18:7	Relevance
			19:20-20:21	Relevance; 403
			23:13-21	Relevance
			24:7-10	None
Dan Dees	25:2-9		25:13- 26:24	None
Dan Dees	25:13-27:17		27:11-17	Incomplete; include 26:25-27:10
Dan Dees	28:1-12			
Dan Dees	29:21-30:11		29:21-30:14	None
			30:24-31:7	Relevance; no foundation; no personal knowledge
Dan Dees	31:22-25		31:22-25	None
Dan Dees	33:18-34:16	Calls for speculation @33:15	32:9-17	Hearsay
			32:22-33:14	Hearsay
			34:2 - 16	Incomplete; hearsay
Dan Dees	38:16-18		38:16-39:5	None
Dan Dees	38:22-24			
Dan Dees	39:22-40:8	Relevance @39:22-40:4	39:16-21	None
Dan Dees	41:6-12		40:5-41:14	None
			41:19-22	Incomplete; include 41:22-42:5; improper expert opinion
			42:6-8	Relevance; 403
Dan Dees	43:3-6		42:14-43:6	None
Dan Dees	44:19-25		44:14-45:11	None
Dan Dees	45:5-11			
Dan Dees	49:8-12		49:8-12	None
Dan Dees	49:23-50:5		49:23-50:23	None
Dan Dees	50:21-22			
Dan Dees	52:6-10		51:6-52:10	None
Dan Dees	52:16-53:10		52:16-54:25	54:8-25: no personal knowledge; speculation
Dan Dees	55:3-19		56:14-18	Hearsay
Dan Dees	69:5-71:3	Relevance	57:15-20	Hearsay
Dan Dees	71:10-18	Relevance	58:13-23	None
Dan Dees	90:3-16		60:7-12	Hearsay; relevance; 403; no personal knowledge
Dan Dees	91:8-19		61:9-14	None
Dan Dees	93:19-94:10		61:16-63:2	None
Dan Dees	96:7-12		63:5-19	Relevance; hearsay
Dan Dees	98:5-13	Relevance; hearsay	66:17-67:3	Relevance; no personal knowledge
Dan Dees	98:19-99:7		90:3-16	None
Dan Dees	99:17-100:1		93:19-94:10	None

Defendants' Deposition Designations
September 17, 2021 Deposition of Dan Dees

<u>Deponent</u>	<u>Testimony</u>	<u>Plaintiff's Objections</u>	<u>Plaintiff's Counter-Designations</u>	<u>Defendants' Objections to Counter-Designations</u>
			96:15-23	None
Dan Dees	100:9-17		98:19-100:24	None
Dan Dees	104:6-13	Unneeded given objection next	102:2-103:7	Hearsay; speculation
Dan Dees	104:18-105:9	Relevance; hearsay		
Dan Dees	106:15-22		105:18-106:22	None
Dan Dees	107:1-108:2		107:1-108:2	None
Dan Dees	108:9-22		108:9-109:15	Incomplete; include 109:16-25
Dan Dees	116:22-117:5	Relevance	112:13-117:20	Hearsay
Dan Dees	118:25-119:13		118:11-120:1	None
Dan Dees	120:25-121:2		120:6-15	None
Dan Dees	122:9-123:6		120:25-121:18	None
Dan Dees	126:4-13	Relevance; hearsay	122:9-124:5	123:7-22: no personal knowledge
Dan Dees	126:17-21	Relevance		
Dan Dees	127:10-25		127:5-127:25	None
Dan Dees	139:18-19		128:1-129:14	Calls for speculation; hearsay
Dan Dees	139:24-140:1		129:24-130:13	Relevance
Dan Dees	140:15-18		134:14-135:11	Relevance; hearsay, calls for speculation
Dan Dees	142:5-13		137:8-25	Relevance; hearsay
Dan Dees	144:19-145:7		139:18 -- 141:10	None
Dan Dees	169:9-170:6		141:13-142:16	Relevance; 403
			144:1 - 146:21	No foundation; no personal knowledge; relevance
			148:7-149:6	No foundation; no personal knowledge; relevance
			150:11-155:14	Relevance; 403; hearsay
			157:9-158:10	Relevance; hearsay
			163:18-25	Relevance
			164:10-165:16	Relevance; hearsay
			165:25-167:22	None
			169:5-172:16	None
			172:21-174:14	Relevance

Defendants' Deposition Designations
August 11, 2021 Deposition of Sam Teller

<u>Deponent</u>	<u>Testimony</u>	<u>Plaintiff's Objections</u>	<u>Plaintiff's Counter-Designations</u>	<u>Defendants' Objections to Counter-Designations</u>
Sam Teller	6:6-9	Relevance	11:12-12:14	Relevance
Sam Teller	10:4-14	Relevance	13:3-10	Relevance
Sam Teller	13:18-16:4	Relevance	16:5-13	Relevance
Sam Teller	16:14-18:14	Relevance	32:6-33:9	Relevance; 403
Sam Teller	20:18-21:18	Relevance	33:10-34:2	Relevance; 403
Sam Teller	21:25-23:1	Relevance	37:7-38:2	Relevance
Sam Teller	23:19-25:9	Relevance	42:4-18	FRE 403, FRE 408
Sam Teller	26:24-28:5	Relevance	45:8-23	Relevance; 403
Sam Teller	29:11-23	Relevance	46:11-47:21	Relevance; 403
Sam Teller	30:22-32:5	Relevance	52:20-53:3	No foundation; no personal knowledge; speculation; form
Sam Teller	35:2-36:23	Relevance	53:25-59:15	Relevance; 403; hearsay
Sam Teller	43:12-45:7	Relevance	61:2-61:21	Relevance; 403; hearsay
Sam Teller	62:7-66:3	Relevance	76:14-77:7	None
Sam Teller	66:17-67:21	Relevance	84:12-16	None
Sam Teller	68:22-71:9	Relevance; 70:4-8: lack of foundation	90:2-8	None
Sam Teller	71:15-73:1	Relevance	95:2-5	None
Sam Teller	73:16-76:7	Relevance	99:21-100:1	None
Sam Teller	77:8-20	Relevance	101:10-102:10	Relevance; no personal knowledge; no foundation; speculation
Sam Teller	80:8-82:13	Relevance	103:16-21	None
			110:25-111:6	None
Sam Teller	83:10-84:8	Relevance	115:13-15	Relevance
Sam Teller	84:17-86:11	Relevance	117:11-16	None
Sam Teller	86:24-87:22	Relevance; 87:16-22: lack of foundation	117:22-118:9	None
Sam Teller	88:9-22	Relevance	120:3-21	None
Sam Teller	89:18-20	Relevance	122:22-123:2	Relevance; 403
Sam Teller	90:9-22	Relevance	125:10-126:2	Relevance; 403
Sam Teller	91:20-23	Relevance	126:13-18	Relevance; 403; Incomplete
Sam Teller	92:9-95:1	Relevance	127:5-128:18	None
Sam Teller	95:6-97:15	Relevance; 95:13-97:15- lack of foundation; relevance	128:23-129:22	None
Sam Teller	99:4-9	Relevance	143:24-144:5	403, as purported notes are inadmissible (Ex. 80)
Sam Teller	100:2-101:9	Relevance	147:22-25	No foundation; no personal knowledge; authenticity; hearsay
Sam Teller	102:11-103:15	Relevance	148:12-150:4	No foundation; no personal knowledge; authenticity; hearsay; incomplete
Sam Teller	104:8-106:1	Relevance	154:19-155:4	No foundation; no personal knowledge; authenticity; hearsay; incomplete
Sam Teller	107:15-110:15	Relevance; 108:11-18- lack of foundation; 109:7-110:15- lack of foundation	155:22-157:4	No foundation; no personal knowledge; authenticity; hearsay; incomplete

Defendants' Deposition Designations
August 11, 2021 Deposition of Sam Teller

<u>Deponent</u>	<u>Testimony</u>	<u>Plaintiff's Objections</u>	<u>Plaintiff's Counter-Designations</u>	<u>Defendants' Objections to Counter-Designations</u>
Sam Teller	111:23-112:22	Relevance	157:17-158:24	No foundation; no personal knowledge; authenticity; hearsay; incomplete
Sam Teller	114:22-115:12	Relevance	159:14-160:23	No foundation; no personal knowledge; authenticity; hearsay; incomplete
Sam Teller	115:16-116:4	Relevance	166:3-20	No personal knowledge; speculation; relevance
Sam Teller	116:16-18	Relevance	167:11-20	Relevance; 403
Sam Teller	118:10-120:2	Relevance	169:13-171:7	Relevance; 403
Sam Teller	121:7-122:21	Relevance	172:3-12	Relevance; 403; incomplete
Sam Teller	123:3-125:9	Relevance	173:22-174:4	None
Sam Teller	126:19-127:4	Relevance	175:18-22	Relevance; 403; incomplete
Sam Teller	128:19-22	Relevance	176:6-177:21	Relevance; 403
Sam Teller	130:8-143:23	Relevance	185:10-15	Relevance
Sam Teller	144:6-145:21	Relevance	186:9-16	Relevance
Sam Teller	151:3-152:10	Relevance	190:10-20	Relevance
Sam Teller	161:7-166:2	Relevance; 161:7-162:1- lack of foundation	190:21-191:4	None
Sam Teller	167:21-168:6	Relevance	193:12-17	None
Sam Teller	172:22-23	Relevance	194:19-195:1	Relevance; 403; no foundation; no personal knowledge; speculation
Sam Teller	173:2-7	Relevance	195:2-5	Relevance
Sam Teller	174:17-175:17	Relevance	196:2-5	Form; relevance; 403; speculation; no personal knowledge
Sam Teller	180:4-21	Relevance		
			202:13-22	Relevance
Sam Teller	181:5-20	Relevance	203:23-24	Relevance
Sam Teller	182:16-183:22	Relevance Hearsay @ 183:5-10 Hearsay @ 183:20-22	204:19-205:18	Relevance; hearsay; 403
Sam Teller	184:14-25	Relevance	211:3-211:22	None
Sam Teller	191:9-192:8	Relevance 191:9-18- Unresponsive, volunteered	239:22-241:9	Relevance; 403
Sam Teller	193:5-11	Relevance	250:24-1	Relevance; incomplete
Sam Teller	193:20-194:18	Relevance	253:4-23	None
Sam Teller	196:14-21	Relevance	256:18-257:6	Relevance; 403; no personal knowledge
Sam Teller	198:23-200:15	199:17-200:8- Relevance	258:10-21	None
Sam Teller	200:23-201:15	Relevance	260:16-20	Relevance; no personal knowledge; 403
Sam Teller	206:16-208:6	Relevance	204:23 - 205:18	Relevance; hearsay; 403
Sam Teller	210:1-211:2	Relevance		
Sam Teller	213:7-216:14	Relevance @ 215:12-216:14	262:15-263:1	None
Sam Teller	227:25-228:24	Relevance	262:15-263:1	None
Sam Teller	231:7-239:7	Relevance	263:16-265:6	Relevance; 403; hearsay

Defendants' Deposition Designations August

11, 2021 Deposition of Sam Teller

<u>Deponent</u>	<u>Testimony</u>	<u>Plaintiff's Objections</u>	<u>Plaintiff's Counter-Designations</u>	<u>Defendants' Objections to Counter-Designations</u>
Sam Teller	242:3-244:12	Relevance; 242:24-244:12-Hearsay		
Sam Teller	244:19-248:4	Relevance	266:3-21	Relevance
Sam Teller	248:20-249:25	Relevance; Hearsay @ 249:12-25		
Sam Teller	250:5-10	Relevance		
Sam Teller	251:2-252:25	Relevance		
Sam Teller	259:2-4	Relevance		
Sam Teller	260:3-15	Relevance	260:16-20	Relevance; no personal knowledge; 403